## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:17-cv-00206-MOC-DLH

JUDITH BROWN,	)	
Plaintiff,	)	
Vs.	)	ORDER
ECONOMY PREMIER ASSURANCE COMPANY,	) ) )	
Defendant.	) )	

**THIS MATTER** is before the Court on defendant's Motion for Partial Reconsideration. Having considered defendant's motion and reviewed the pleadings, including the Response (#25), and the Reply (#26), the Court enters the following Order.

## **ORDER**

IT IS, THEREFORE, ORDERED that defendant's Motion for Partial Reconsideration (#22) is **DENIED**. The elements of defendant's "false statement" affirmative defense are, however, left open for further consideration on summary judgment after the close of discovery and, if this matter survives summary judgment, at trial during the charging conference.

Signed: April 25, 2018

Max O. Cogburn Jr United States District Judge